

(13) A report which outlines the testing and procedures to be taken during the demonstration period in order to determine the maximum NO_x emission reduction obtainable with the installed system. The report shall include the reasons for the NO_x emission control system's failure to meet the applicable emission limitation, and the tests and procedures that will be followed to optimize the NO_x emission control system's performance. Such tests and procedures may include those identified in § 76.15 as appropriate.

(14) The special provisions at paragraph (g)(1) of this section.

(e) *Contents of petition for a final alternative emission limitation.* After the approved demonstration period, the designated representative of the unit may petition the permitting authority for an alternative emission limitation. The petition shall include the following elements in a format prescribed by the Administrator:

(1) Identification of the unit;

(2) Certification that the owner(s) or operator operated the affected unit and the NO_x emission control system during the demonstration period in accordance with: specifications and procedures designed to achieve the maximum NO_x reduction possible with the installed NO_x emission control system or the applicable emissions limitation in § 76.5, 76.6, or 76.7; the operating conditions (including load dispatch conditions) upon which the design of the NO_x emission control system was based; and vendor specifications and procedures.

(3) Certification that the owner(s) or operator have installed in the affected unit all NO_x emission control systems, made any operational modifications, and completed any planned upgrades and/or maintenance to equipment specified in the approved demonstration period plan for optimizing NO_x emission reduction performance, consistent with the demonstration period plan and the proper operation of the installed NO_x emission control system. Such certification shall explain any differences between the installed NO_x emission control system and the equipment configuration described in the approved demonstration period plan.

(4) A clear description of each step or modification taken during the demonstration period to improve or optimize the performance of the installed NO_x emission control system.

(5) Engineering design calculations and drawings that show the technical specifications for installation of any additional operational or emission control modifications installed during the demonstration period.

(6) Unit operating and quality-assured continuous emission monitoring data (including the specific data listed in § 76.14(b)) collected in accordance with part 75 of this chapter during the demonstration period and demonstrating the inability of the specific unit to meet the applicable emission limitation in § 76.5, 76.6, or 76.7 on an annual average basis while operating in accordance with the certification under paragraph (e)(2) of this section.

(7) A report (based on the parametric test requirements set forth in the approved demonstration period plan as identified in paragraph (d)(13) of this section), that demonstrates the unit was operated in accordance with the operating conditions upon which the design of the NO_x emission control system was based and describes the reason or reasons for the failure of the installed NO_x emission control system to meet the applicable emission limitation in § 76.5, 76.6, or 76.7 on an annual average basis.

(8) The minimum NO_x emission rate, in lb/mmBtu, that the affected unit can achieve on an annual average basis with the installed NO_x emission control system. This value, which shall be the requested alternative emission limitation, shall be derived from the data specified in this section using methods and procedures satisfactory to the Administrator and shall be the lowest annual emission rate the unit can achieve with the installed NO_x emission control system;

(9) All supporting data and calculations documenting the determination of the requested alternative emission limitation and its conformance with the methods and procedures satisfactory to the Administrator;

(10) The special provisions in paragraph (g)(2) of this section.

(11) In addition to the other requirements of this section, the owner or operator of an affected unit with a Group 1 boiler that has installed an alternative technology in addition to or in lieu of low NO_x burner technology and cannot meet the applicable emission limitation in § 76.5 shall demonstrate, to the satisfaction of the Administrator, that the actual percentage reduction in NO_x emissions (lbs/mmBtu), on an annual average basis is greater than 65 percent of the average annual NO_x emissions prior to the installation of the NO_x emission control system. The percentage reduction in NO_x emissions shall be determined using continuous emissions monitoring data for NO_x taken during the time period (under paragraph (d)(3) of this section) prior to the installation of the NO_x emission control system and during long-term load dispatch operation of the specific boiler.

(f) *Permitting authority's action—(1) Alternative emission limitation demonstration period.* (i) The permitting authority may approve an alternative emission limitation demonstration period and demonstration period plan, provided that the requirements of this section are met to the satisfaction of the permitting authority. The permitting authority shall disapprove a demonstration period if the requirements of paragraph (a) of this section were not met during the operating period.

(ii) If the demonstration period is approved, the permitting authority will include, as part of the demonstration period, the 4 month period prior to submission of the application in the demonstration period.

(iii) The alternative emission limitation demonstration period will authorize the unit to emit at a rate not greater than the interim alternative emission limitation during the demonstration period on or after January 1, 1996 for Phase I units and the applicable date established in § 76.5(g) or 76.6 for Phase II units, and until the date that the Administrator approves or denies a final alternative emission limitation.

(iv) After an alternative emission limitation demonstration period is approved, if the designated representative requests an extension of the demonstration period in accordance with

paragraph (g)(1)(i)(B) of this section, the permitting authority may extend the demonstration period by administrative amendment (under § 72.83 of this chapter) to the Acid Rain permit.

(v) The permitting authority shall deny the demonstration period if the designated representative cannot demonstrate that the unit met the requirements of paragraph (a)(2) of this section. In such cases, the permitting authority shall require that the owner or operator operate the unit in compliance with the applicable emission limitation in § 76.5, 76.6, or 76.7 for the period preceding the submission of the application for an alternative emission limitation demonstration period, including the operating period, if such periods are after the date on which the unit is subject to the standard limit under § 76.5, 76.6, or 76.7.

(2) *Alternative emission limitation.* (i) If the permitting authority determines that the requirements in this section are met, the permitting authority will approve an alternative emission limitation and issue or revise an Acid Rain permit to apply the approved limitation, in accordance with subparts F and G of part 72 of this chapter. The permit will authorize the unit to emit at a rate not greater than the approved alternative emission limitation, starting the date the permitting authority revises an Acid Rain permit to approve an alternative emission limitation.

(ii) If a permitting authority disapproves an alternative emission limitation under paragraph (a)(2) of this section, the owner or operator shall operate the affected unit in compliance with the applicable emission limitation in § 76.5, 76.6, or 76.7 (unless the unit is participating in an approved averaging plan under § 76.11) beginning on the date the permitting authority revises an Acid Rain permit to disapprove an alternative emission limitation.

(3) *Alternative emission limitation renewal.* (i) If, upon review of a petition to renew an approved alternative emission limitation, the permitting authority determines that no changes have been made to the control technology, its operation, the operating conditions on which the alternative emission limitation was based, or the actual NO_x